

No. PD 0012-19

IN THE
TEXAS COURT OF CRIMINAL APPEALS
SITTING AT AUSTIN, TEXAS

FILED
COURT OF CRIMINAL APPEALS
6/11/2019
DEANA WILLIAMSON, CLERK

DWAYNE ROBERT HEATH,

APPELLANT

VS.

THE STATE OF TEXAS

AN APPEAL OF
CAUSE NO. 10-18-00187-CR
FROM THE TENTH COURT OF APPEALS

STATE'S MOTION FOR EXTENSION OF TIME
TO FILE THE STATE'S BRIEF

BARRY JOHNSON
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TO THE HONORABLE COURT OF APPEALS

The State of Texas, moves for an extension of Thirty Days to file its Brief, pursuant to Tex. R. App. P. 10.5(b). The State's request is based upon the following reasonable explanation of the need for additional time, within the personal knowledge of Sterling Harmon, the attorney signing this motion, namely:

The State of Texas moves this court to allow an extension of thirty days to file its Brief. The State's Brief is due on June 10, 2019. **The State requests that the new deadline be July 9, 2019.** This is the State's first request for an extension in this matter.

In the past month, the undersigned State's attorney has completed and filed the State's briefs in *Hayes v. State*, Cause Number 10-18-00252-CR on the docket of the Tenth Court of Appeals filed June 5, 2019; and *Medina v. State*, Cause Number 10-18-00224-CR on the docket of the Tenth Court of Appeals filed May 19, 2019. State's counsel is currently preparing the State's brief in *Ex parte Price*, Cause Number 10-19-00122-CR on the docket of the Tenth Court of Appeals, an accelerated appeal which, subject to extension, is due June 24, 2019. Attention to these other matters has not allowed sufficient time to complete the State's Brief in the matter at bar. The additional time requested is not sought frivolously or for delay, but will be of genuine assistance in preparing the State's brief.

For the foregoing reasons, the State prays that the Court grant this Motion and modify and extend the deadline for filing the State's brief to

July 9, 2019 or that this Court grant such additional time as is just and proper.

Respectfully Submitted:

BARRY JOHNSON

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/s/ Sterling Harmon

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CERTIFICATE OF SERVICE

I certify that I caused to be served a true and correct copy of this motion through the efile system to Appellant's attorney of record, E. Alan Bennett at abennett@slm.law.

DATE: 6/10/19

/s/ STERLING HARMON

STERLING HARMON